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NASA Policy Directive

NPD 3713.2JEffective Date: February 25, 2016
Expiration Date: February 25, 2021**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Federal EEO Program of NASA**Responsible Office: Office of Diversity and Equal Opportunity****1. POLICY**

a. It is NASA's policy to provide equal employment opportunity (EEO) for all employees and applicants for employment regardless of race, color, national origin, sex (including pregnancy, sexual harassment, sex stereotyping, sexual orientation, gender identity, and caregiving responsibilities), religion, age, disability, genetic information (including family medical history), or status as a parent. Pursuant to this policy, NASA prohibits discrimination on these bases in the workplace and the Agency's employment practices. NASA strives to provide and maintain a work environment that is free of all forms of discrimination, including discriminatory harassment, as well as reprisal or retaliation for engaging in protected EEO activity. NASA also seeks to address harassing conduct at the earliest possible stage, before it can become severe or pervasive.

b. It is also NASA's policy to promote the full realization of EEO through a continuing effort to establish and maintain a "Model EEO Agency," as required under the U.S. Equal Employment Opportunity Commission's (EEOC) Management Directive (MD) 715 and MD 110. MD 715 provides policy guidance and standards for establishing and maintaining effective affirmative programs of EEO under Title VII of the Civil Rights Act of 1964 and related antidiscrimination laws. MD 110 provides Federal agencies with EEOC policies, procedures, and guidance relating to the processing of employment discrimination complaints, the effectiveness and efficiency of which are considered a key part of a Model EEO Agency. NASA is fully committed to implementing all Federal laws, regulations, and EEOC guidance relative to the development of Model EEO Agency plans and annual reporting of accomplishments against those plans.

c. Pursuant to MD 715, NASA's efforts to be a model Agency for EEO include identification of and strategies to address challenges to EEO in any aspect of Agency policies, programs, or practices including, but not limited to, outreach and recruiting, hiring, promoting, training, awareness, and facilities and program accessibility for employees of NASA. Model EEO Agency efforts also include monitoring of strategies and employment practices in the areas of hiring, transfers, reassignments, promotions, awards, benefits, and separations. These efforts serve to help gain and maintain a talented NASA workforce that is reflective of the Nation's demographic diversity.

d. Consistent with MD 715, NASA vigorously takes a proactive approach to preventing discrimination. NASA's proactive programs provide the workforce with both additional avenues of redress for addressing workplace conflict, as well as education and awareness opportunities regarding EO and diversity.

e. Special Emphasis Programs (SEPs) are a vital component of a Model EEO Agency program. SEPs are required pursuant to Federal regulations and Executive Orders and are intended to assist in efforts to advance opportunities and engage all members of the workforce, including those from historically underserved and underrepresented groups in American society. NASA remains committed to robust SEPs as a means of attracting and advancing a more demographically diverse workforce. Roles and responsibilities of SEPs include, but are not limited to, advice and education, workforce interface and integration, monitoring and workforce analysis, community outreach and recruitment, and measuring Agency EO Performance.

2. APPLICABILITY

a. This directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and

Technical and Service Support Centers. This directive applies to the Jet Propulsion Laboratory (JPL) (a Federally Funded Research and Development Center (FFRDC)) and other contractors only to the extent specified or referenced in applicable contracts.

b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.

c. In this directive, "NASA directives" refers to both Agency-level and Center-level directives.

d. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

e. This directive is applicable to NASA directives developed or revised after the effective date of this NASA Policy Directive (NPD).

3. AUTHORITY

a. Notification and Federal Employee Antidiscrimination and Retaliation Act (NO Fear Act) of 2002, 5 U.S.C. § 2301 note.

b. Equal Pay Act of 1963, as amended, 29 U.S.C. § 206(d).

c. Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 et seq.

d. Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq.

e. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16 et seq.

f. Civil Rights Act of 1991, 42 U.S.C. § 1981a. g

. Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff et seq.

h. Exec. Order No. 11,478, as amended, 3 C.F.R. 803 (1966-1970).

i. Exec. Order No. 12,106, as amended, 3 C.F.R. 263 (1978-1979).

j. Exec. Order No. 13,087, 3 C.F.R. 191 (1998).

k. Exec. Order No. 13,152, 3 C.F.R. 264 (2001). l

. NPD 1000.3D, The NASA Organization.

4. APPLICABLE DOCUMENTS AND FORMS

a. NPD 3713.6, Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints under 29 C.F.R. Part 1614.

b. NPD 3713.8, Reasonable Accommodations Policy.

c. NPR 3713.1, Reasonable Accommodations Procedures.

d. NPR 3713.2, Alternative Dispute Resolution in Matters Pertaining to Discrimination Complaints under 29 C.F.R. Part 1614.

e. NPR 3713.3, Anti-Harassment Procedures.

f. Equal Employment Opportunity Commission Management Directive 715.

g. Equal Employment Opportunity Commission Management Directive 110.

5. RESPONSIBILITY

a. Senior Agency leadership, including the Administrator, Deputy Administrator, Associate Administrator, and other Officials-in-Charge of Headquarters Offices and Center Directors shall:

(1) Exercise personal leadership in establishing, maintaining, and implementing a continuing EEO program to promote EEO in every aspect of Agency human capital policy and practice in the employment, development, advancement, and treatment of employees.

(2) Be held accountable for maintaining an environment in which equality of opportunity can flourish within their programs, missions, or organizations; for adhering to and helping to advance NASA's Model EEO Agency Plan goals and objectives; and for helping to implement and holding employees accountable for adhering to NASA non-discrimination policies and procedures.

- b. Center Directors shall appoint EEO Champions for their Centers to assist in the development and implementation of Center Model EEO plans and programs through leadership, advocacy, and the promotion of employee engagement and inclusion.
- c. The Associate Administrator for Diversity and Equal Opportunity shall advise and take required actions in accordance with NPD 1000.3, The NASA Organization and other relevant policy, including, but not limited to, NPD 3713.6, Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints under 29 C.F.R. Part 1614; NPR 3713.2, Alternative Dispute Resolution in Matters Pertaining to Discrimination Complaints under 29 C.F.R. Part 1614; NPR 3713.3, Anti-Harassment Procedures; NPD 3713.8, Reasonable Accommodations Policy; NPR 3713.1, Reasonable Accommodations Procedures; the NASA Policy Statement of EEO; and the NASA Policy Statement on Anti-Harassment.
- d. NASA managers and supervisors shall be responsible for implementing this policy. Performance planning and the annual appraisal process will include any general and/or specific requirements (from the Model EEO Agency Plan, related policies, and respective Center Model EEO Plans) for implementing the policy.
- e. Every NASA employee is responsible for adhering to NASA's nondiscrimination and anti-harassment policies. All employees, including NASA managers and supervisors, are required to adhere to the Agency's standards of conduct with respect to EEO in the workplace.

6. DELEGATION OF AUTHORITY

The Associate Administrator for Diversity and Equal Opportunity (AA, ODEO) is delegated the authority for:

- a. Establishing and maintaining effective affirmative programs of EEO under Federal anti-discrimination laws.
- b. Ensuring, in strategic partnership with key stakeholders, such as the Offices of Education, General Counsel, and Human Capital Management, that NASA meets all requirements relative to the NASA Model EEO Agency Plan and related Agency policies and programs.
- c. Submitting all required annual plans and accomplishment reports on behalf of the Agency, as appropriate.

7. MEASUREMENT/VERIFICATION

- a. The AA, ODEO, will monitor progress, evaluate results, initiate corrective actions, and periodically report outcomes of such processes to external oversight agencies, such as the EEOC, Department of Justice, and Office of Personnel Management (OPM), as well as NASA senior leadership. The AA, ODEO, will communicate relevant information regularly to stakeholders at the Agency and Center levels.
- b. NASA submits the following annual plans and accomplishment reports:
 - (1) NASA's Model EEO Agency Plan to the EEOC. This plan, required pursuant to EEOC MD 715, runs in three-year cycles. An accomplishment report is required annually.
 - (2) The Agency's NO Fear Act Report. This report is required annually. It is provided to the EEOC, Department of Justice, and Congress.
 - (3) Disabled Veterans Affirmative Action Program Report to the OPM. This reflects NASA's affirmative employment plans and accomplishment reports relative to recruitment, hiring, placement, and advancement of disabled veterans, particularly with 30 percent or more disability.

8. CANCELLATION

NPD 3713.2I, Federal Equal Opportunity Programs of NASA, dated August 17, 2010.

/s/ Frederick D. Gregory
Acting Administrator

ATTACHMENT A: (TEXT)

(URL for Graphic)

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